IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 9314 of 2007(H)

PETITIONER:

SAROJINI AMMA, KALAPURACKAL,
DOOR NO.C.C.13/961, KARUVELIPADY,
KOCHI.

BY ADV. SRI.S.KRISHNAMOORTHY

RESPONDENTS:
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1. **DEPUTY TAHASILDAR, REVENUE RECOVERY,**
   KOCHI-1.

2. **VILLAGE OFFICER, THOPPUMPADY.**

3. **EXECUTIVE ENGINEER, ELECTRICAL DIVISION**
   MATTANCHERRY, THOPPUMPADY KOCHI-682 005.

4. **R.V.SELVAM, PROPRIETOR, SIMLA ICE**
   PLANT, FISHING HARBOUR, THOPPUMPADY.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.9314 of 2007-H

Dated this the 26th day of March, 2007

JUDGMENT

The petitioner was running an ice plant. The consumer number of the electricity connection for the said ice plant was 7885 of Electrical Section, Mattancherry, Thoppumpady. The petitioner submits, she has given the ice plant on lease to the fourth respondent. Finally, the ice plant was demolished in February, 2005. There were some arrears of electricity charges payable by the lessee and by Ext.P1 agreement he has agreed to clear the same within twelve months. In the mean time the petitioner has been served with Ext.P2 recovery notice calling upon her to pay Rs.2,21,471/- with interest. This writ petition is filed challenging Ext.P2 on various grounds.

2. I heard the learned Standing Counsel for the K.S.E.B. also.

3. There is no privity of contract between the K.S.E.B. and the 4th respondent. Whatever amount is payable towards electricity charges is liable to be paid by the petitioner. If the petitioner pays Rs.50,000/- (Rupees fifty thousand only) within two weeks from today, further recovery pursuant to Ext.P2 will be kept in abeyance. The third respondent will furnish a detailed statement of computation of electricity charges with month-wise break up to the petitioner, within one week from the date of payment of the above-said amount. The petitioner may pay the amount and move against

the 4th respondent for recovering the same. If the amount demanded is excessive, she may work out her remedy against it.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS